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07/425,779 10/23/89 KATZ

R 4646114C

EXAMINER

WOO, S.

B. G. NILSSON  
NILSSON, ROBBINS, DALGARN, BERLINER  
CARSON & WURST  
201 NORTH FIGUEROA STREET, FIFTH FLOOR  
LOS ANGELES, CA 90012-2628

ART UNIT

PAPER NUMBER

261

DATE MAILED:

03/21/91

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined  Responsive to communication filed on \_\_\_\_\_  This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), \_\_\_\_\_ days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

**Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:**

1.  Notice of References Cited by Examiner, PTO-892. 2.  Notice re Patent Drawing, PTO-948.  
3.  Notice of Art Cited by Applicant, PTO-1449. 4.  Notice of Informal Patent Application, Form PTO-152  
5.  Information on How to Effect Drawing Changes, PTO-1474. 6.

**Part II SUMMARY OF ACTION**

1.  Claims 1-16 are pending in the application.

Of the above, claims \_\_\_\_\_ are withdrawn from consideration.

2.  Claims \_\_\_\_\_ have been cancelled.

3.  Claims \_\_\_\_\_ are allowed.

4.  Claims 1, 6-11, 13-16 are rejected.

5.  Claims 2-5, 12 are objected to.

6.  Claims \_\_\_\_\_ are subject to restriction or election requirement.

7.  This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8.  Formal drawings are required in response to this Office action.

9.  The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are  acceptable;  not acceptable (see explanation or Notice re Patent Drawing, PTO-948).

10.  The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been  approved by the examiner;  disapproved by the examiner (see explanation).

11.  The proposed drawing correction, filed \_\_\_\_\_, has been  approved;  disapproved (see explanation).

12.  Acknowledgement is made of the claim for priority under U.S.C. 119. The certified copy has  been received  not been received  been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.

13.  Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935.C.D. 11; 453 O.G. 213.

14.  Other

**EXAMINER'S ACTION**

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 6-9, 13-16 are rejected under 35 U.S.C. § 102(b) as being anticipated by Fodale.

Fodale discloses a call processing system with a means for receiving a long distance call to which a network call denial feature is applicable and for allowing the extension of the call if the associated billing number, which is often the calling number, does not have a delinquent status and a means for receiving a long distance call to which the network call denial feature does not apply such as an "800" service call (col. 6, line 57 – col. 9, line 2). Relative to claim 16, no weight has been given to the intended use limitation of "to prevent duplicate use".

3. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

4. Claim 10 is rejected under 35 U.S.C. § 103 as being unpatentable over Fodale in

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combination with the teachings of WO 87/00375 ('375).

The Fodale reference differs from claim 10 in that it does not provide for the means for selecting interface questions and record means. As taught by the '375 reference, it is well known to prompt callers with interface questions and to record their responses such that a call which is allowed extension by the Fodale system to a '375 facility would meet the subject matter of claim 10.

5. Claim 11 is rejected under 35 U.S.C. § 103 as being unpatentable over Scanlon.

Scanlon discloses a lottery system which can randomly select a lottery entry number and query the caller whether he wants a duplication check performed. If so, a test is made to determine whether the lottery entry has been previously selected by searching the centralized lottery database (col. 4, lines 21–64, col. 5, lines 18–33). Although Scanlon discloses selecting lottery numbers and not questions, the system functions in the same manner as that required by claim 11 such that it would have been obvious to an artisan of ordinary skill to substitute the lottery numbers with game questions for a different use of the system.

6. Claims 2–5 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella Woo whose telephone number is (703) 308-2977.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0962.

Serial No. 07/425,779

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Stella Woo  
March 05, 1991



JIN F. NG  
SUPERVISORY PRIMARY EXAMINER  
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